

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 3:12-CR-45-01
(JUDGE GROH)

CARLOS GAUSE,

Defendant.

ORDER DENYING MOTION FOR SENTENCING TRANSCRIPT

On March 14, 2014, the *pro se* Defendant, Carlos Gause, filed a letter requesting a copy of his sentencing transcript and the costs associated with it [Doc. 208].

28 U.S.C. § 753(f) provides, in pertinent part:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes.

It is well settled that a federal prisoner is not entitled to copies of court records at government expense, without a showing of need, merely to search the record for possible error. United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963). The Fourth Circuit Court of Appeals has held that a Defendant seeking free access to transcripts because "he plans to raise claims of prosecutorial misconduct and ineffective assistance of counsel in a habeas proceeding filed pursuant to 28 U.S.C. § 2255" did not demonstrate an adequate need for the transcripts by merely providing the type of claims he planned to present in his habeas motion. United States v. Brown, 36 F. App'x 519 (4th Cir. 2002).

Upon review of this motion, this Court finds that the Defendant has not presented an adequate need for the requested sentencing transcript without payment of the proper fees. He has not asserted any particular need or rationale for his request. Accordingly, the Court **DENIES WITHOUT PREJUDICE** the Defendant's motion for his sentencing transcript in so much as it seeks the production of the sentencing transcript without payment of the proper fees.

If the Defendant would like a copy of the sentencing transcript, he must pay the proper fees to the court reporter. The court reporter will provide Defendant with an estimate for his sentencing transcript., and Defendant therefore must remit this amount to the court reporter to acquire a copy of the transcript. The Court hereby **PERMITS** the court reporter to release the sentencing transcript upon proper payment of fees. The Court **DIRECTS** the Clerk to forward a copy of this Order and Defendant's request to the court reporter who shall advise Defendant of the cost of the transcript and the process to obtain it.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and/or *pro se* parties.

DATED: March 18, 2014



GINA M. GROH
UNITED STATES DISTRICT JUDGE